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## 1992'S LARGEST VERDICTS

**Case:** *Andrialis v. Snyder*, 1686/87 (Sup. Ct., New York Co.).

**Plaintiffs' attorney:** Thomas A. Moore of New York's Kramer, Dillof, Tessel, Duffy & Moore.

**Defense attorney:** Jeffrey Wolk of New York's Bower & Gardner.

**Jury Award:** \$15 million, reduced to \$11.5 million through New York structuring provisions of future damages.

ON APRIL 19, 1984, Cynthia Andrialis went into labor and was admitted to New York University Medical Center. During the initial stages of labor, says plaintiffs' counsel Thomas A. Moore, "there were symptoms that the baby was in trouble. But her doctor, Jon Snyder, saw her, then left her in care of another doctor." This doctor, Ilana Lustig, prepared to do an emergency Caesarean, but decided to wait for Dr. Snyder's return, Mr. Moore says.

"Snyder didn't come back for several hours," says Mr. Moore, and by that time it was too late to perform a Caesarean. "The baby was delivered vaginally." The delay and the vaginal birth caused oxygen deprivation that led to severe brain damage, permanent learning disabilities and speech problems. The Andrialis family sued Dr.

Snyder, Dr. Lustig and the hospital for medical malpractice. The doctors denied that the child's symptoms of distress had necessarily indicated the need for an immediate Caesarean. They further denied that Dr. Snyder had abandoned Ms. Andrialis and that Dr. Lustig had waited too long to go forward with the Caesarean.

But, on Nov. 24, 1992, the Manhattan jury awarded Sean Andrialis \$15 million, including \$2 million for past pain and suffering and \$5 million for future pain and suffering. The jury divided liability among Dr. Snyder, at 50 percent liable, Dr. Lustig, 30 percent, and the hospital, 20 percent. Because of New York state structuring provisions, the present cash value of the verdict is \$11.5 million, Mr. Moore says.